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John E. Maloney

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EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/748,367

Applicant(s)

MALONEY ET AL.

Examiner

Dai A. Phuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments, filed 07/12/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 21-28 have been added in response filed on 07/12/2007. Claims 1-28 are currently pending.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Zadeh et al. (U.S. 6266533).

Regarding claim 1, Zadeh et al. disclose method for the determination of the location of a mobile station (MS) equipped with embedded GPS signal reception capability and equipped to operate within a wireless communications network, the method comprising:

(a) receiving GPS data at a land station, said GPS data being received from a-the MS to be located (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39);

(b) at a first land station equipped with location-measurement facilities, receiving a communications-band signal from said MS to be located. and using the location-measurement

facilities to extract location-related characteristic data from the communications-band signal (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39); and

(c) at a second land station equipped for location-determination calculations, performing location-determination calculations using the GPS data and the extracted location-related characteristic data to derive an estimated location for the MS (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39).

Regarding claim 2, Zadeh et al. disclose all the limitations in claim 1. Further, Lee et al. disclose a method further comprising providing assistance data to the MS to be located, said assistance data enhancing the ability of the MS to receive GPS signals and extract TOA or pseudorange measures, wherein said TOA or pseudorange measures are then communicated to the said first land station equipped with location-measurement facilities (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39).

Regarding claim 3, the combination of Younis and Lee et al. disclose all the limitations in claim 1. Further, Younis discloses a method further comprising communicating the GPS data and the extracted location-related characteristic data to said land station equipped for location-determination calculations ([0008] and [0037]).

Regarding claim 4, Zadeh et al. disclose all the limitations in claim 1. Further, Zadeh et al. disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes time of arrival (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39).

Regarding claim 5, Zadeh et al. disclose all the limitations in claim 1. Further, Zadeh et al. disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes time difference of arrival (col. 1, lines 25-65).

Regarding claim 8, Zadeh et al. disclose all the limitations in claim 1. Further, Zadeh et al. disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes timing advance (TA) data (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39).

Regarding claim 9, Zadeh et al. disclose all the limitations in claim 1. Further, Zadeh et al. disclose a method further comprising using collateral information in performing said location-determination calculations (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39).

Regarding claim 10, Zadeh et al. disclose all the limitations in claim 1. Further, Zadeh et al. disclose a method wherein said method is employed to achieve applicable Federal Communications Commission (FCC) accuracy requirements for emergency service (col. 1, lines 25-65).

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 8.

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Regarding claim 18, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 21, Zadeh et al. disclose all the limitations in claim 1. Further, Zadeh et al. disclose a further comprising means for providing assistance data to the MS to be located, said assistance data enhancing the ability of the MS to receive GPS signals and extract TOA or pseudorange measures (fig. 2 to fig. 3, col. 5, line 23 to col. 8, line 39).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Younis (Pub. No: 20050003833) in view of Lee et al. (Pub. No: 20060267841).

Regarding claim 6, Zadeh et al. disclose all the limitations in claim 1. However, Zadeh et al. do not disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes angle of arrival (AOA) data.

In the same field of endeavor, Lee et al. disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes angle of arrival (AOA) data ([0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless position determination system of Zadeh et al. by specifically including Lee et al. disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes angle of arrival (AOA) data, as taught by Lee et al., the motivation being in order to provide a position estimate for a terminal even if an insufficient number of signals from satellites and base stations are available. When an insufficient number of high-quality measurements is available, the techniques may be used to augment these measurements in order to derive a high quality position estimate.

Regarding claim 7, Zadeh et al. disclose all the limitations in claim 1. However, Zadeh et al. do not disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes data concerning signal strength or propagation loss (PL).

In the same field of endeavor, Lee et al. disclose a method wherein said location-related characteristic data extracted from the communications-band signal includes data concerning signal strength or propagation loss (PL) (AOA) data ([0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless position determination system of Zadeh et al. by specifically including a method wherein said location-related characteristic data extracted from the communications-band signal includes data concerning signal strength or propagation loss (PL), as taught by Lee et al., the motivation being in order to provide a position estimate for a terminal even if an insufficient number of signals from satellites and base stations are available. When an insufficient number of high-quality measurements is available, the techniques may be used to augment these measurements in order to derive a high quality position estimate.

*Reasons for Allowance*

6. The following is an examiner's statement of reasons for allowed:

Claims 22-28 are allowed.

Claims 23-28 are dependent on claim 22.

Regarding claim 22, the prior art record does not disclose nor fairly suggest a a system for the determination of the location of a mobile station (MS) equipped with embedded GPS signal reception capability and equipped to operate within a wireless communications network based on the Global System for Mobile communications (GSM), the system comprising position-determination equipment (PDE) including: *a plurality of location measurement units (LMUs 201) each of which is embedded at a networked land station (LS 105) for signal detection and processing, wherein each LMU is connected to and receives signals from a GPS antenna (202) and from wireless communications band antenna(s) (203); a serving mobile location center (SMLC 204) at a central collection-and-analysis land station (LS 108), said SMLC being configured to assemble measurements from the LMUs and to calculate the MS location; and a location gateway (LG 206) at the central land station (LS 108) configured to receive location requests from a mobile positioning center (MPC 205) specifying the identity and serving cell assignment data for a MS of interest, said location gateway providing the PDE portal for the reception of location requests and for provision of location-determination results to the MPC; wherein the system is programmed and configured to perform the following steps: a request for the location of a particular MS of interest originating at the MPC is received at the LG (step 301), and the LG validates the authenticity and authorization for the location request, wherein a valid request identifies the serving cell and associated*



*communications protocol parameters, including assigned frequency, that shall apply for the communications with the MS', the LG provides the request to the SMLC appropriate for the determination of locations for MSs operating in the vicinity of the serving cell (step 302); the selected SMLC receives and reviews any request to determine the list of cooperating LMUs that are optimal for supporting location requests associated with the identified serving cell (step 303); in anticipation of the need to rapidly support a request for assisting GPS data, the SMLC maintains and evaluates current GPS configuration data that specify the location and motion parameters for the GPS satellite vehicles (SVs) (step 304), wherein these data are persistently monitored by the LMUs (step 305) through their GPS receivers, and wherein the LMUs provide to the SMLC the Doppler shifts, pseudoranges, and relevant demodulated navigation message data for the GPS SV telemetry streams received at the LMU positions; the SMLC receives these GPS SV data periodically communicated from the LMUs (step 306), and for each potential serving cell, the SMLC evaluates and derives a current list that specifies the optimal SVs in potential view near the cell site, along with the restricted domains of Doppler shift and pseudorange that are anticipated to be appropriate for assisting in an AGPS reception (step 307); and in order to exploit the availability of the up-to-date descriptions of the GPS configuration parameters to support a reduced time to first fix (TTFF) from the MS GPS receiver, the SMLC responds to a particular location request and provides the AGPS parameters appropriate for the vicinity of the serving cell site (step 308), wherein these AGPS parameters are received by the LG (step 309) and are provided to the MPC to be communicated to the MS in a GPS data request.*

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### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

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Date: 08-03-2007



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